

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:18CR139  
 ) September 5, 2018  
Plaintiff, ) 9:32 a.m.  
 ) Omaha, Nebraska  
VS. )  
 )  
PHILIP J. GREGORY, )  
 )  
Defendant. )

TRANSCRIPT OF MOTION TO SUPPRESS PROCEEDINGS  
BEFORE THE HONORABLE SUSAN M. BAZIS  
UNITED STATES MAGISTRATE JUDGE

A-P-P-E-A-R-A-N-C-E-S

For the Plaintiff: Michael P. Norris  
Assistant United States Attorney  
1620 Dodge Street  
Suite 1400  
Omaha, Nebraska 68102

Nadia C. Prinz  
U.S. Department of Justice  
1400 New York Avenue  
Washington, DC 20005

For the Defendant: John S. Berry  
Berry Law Firm  
2650 N. 48th Street  
Lincoln, Nebraska 68504

Transcriber: Allan G. Kuhlman  
11408 North Vista Ranch Place  
Marana, AZ 85658  
(520) 989-0626

Proceedings recorded by digital recording; transcript  
produced with computer.

1 (At 9:32 a.m. on September 5, 2018, with counsel for  
2 the parties and the defendant present, the following  
3 proceedings were had:)

4 THE COURT: 18CR139, United States of America versus  
5 Philip J. Gregory.

6 Will the attorney for the government please enter  
7 their appearance for the record? You can stay seated so it  
8 gets recorded.

9 MS. PRINZ: Good morning, Your Honor, Nadia Prinz  
10 and Mike Norris for the government.

11 THE COURT: And for the defendant?

12 MR. BERRY: Good morning, Your Honor, John Berry for  
13 the defendant, Philip Gregory, who is present.

14 THE COURT: And we're here on the defendant's motion  
15 to suppress. Are all parties ready to proceed? Government?

16 MS. PRINZ: Yes, Your Honor.

17 THE COURT: Defendant?

18 MR. BERRY: Yes, Your Honor.

19 THE COURT: Are there any preliminary issues?

20 MS. PRINZ: Your Honor, I want to let Your Honor  
21 know we are not planning on calling for any testimony.

22 I was simply going to speak to the brief, obviously  
23 not reread it or reargue the brief in its entirety before  
24 Your Honor, and give Your Honor an opportunity to ask  
25 questions at any point Your Honor would wish to.

1 THE COURT: Okay. Do you have any evidence that you  
2 are going to submit?

3 MS. PRINZ: We are not submitting any evidence aside  
4 from the exhibits that have already been filed along with the  
5 motion, Your Honor, with the brief.

6 THE COURT: Normally they are marked and received at  
7 the hearing.

8 MR. NORRIS: Your Honor, if I may?

9 THE COURT: Yes.

10 MR. NORRIS: I think Mr. Berry has a number of  
11 exhibits that include what he filed.

12 He doesn't have the capacity or the ability to get  
13 those printed at this point, because he has some issues.

14 We can get you our declaration and we can get you  
15 the terms of service. That's not a problem.

16 I can possibly e-mail them to Mary Beth off my phone  
17 and get those as originals.

18 We don't have any problem with Mr. Berry submitting  
19 what he has already submitted as part of his brief, which  
20 would have been, as I recall from our conversation this  
21 morning, the CyberTip, the subpoena, the warrants, including  
22 affidavits, all that are set forth in his index.

23 So I think we know what the numbers are and we can  
24 get you a package --

25 THE COURT: Of the exhibits?

1 MR. NORRIS: Of the Exhibits.

2 THE COURT: All right. So it's going to be  
3 everything that Mr. Berry has indicated on his index of  
4 evidence? There's not -- you don't have anything in addition  
5 to that?

6 MR. NORRIS: We have our own we filed with our  
7 brief, our responsive brief, and it's a declaration from  
8 Google and the terms of service that relates to Google.

9 So those are our two exhibits that were filed with  
10 our brief.

11 We have a declaration from the National Center for  
12 Missing and Exploited children.

13 So we have a total of three that have been filed and  
14 we can get those to you.

15 THE COURT: I'm sorry. Finish that last statement,  
16 Mr. Norris.

17 MR. NORRIS: We can get those to you. I can get  
18 those printed yet.

19 I can probably find them on my phone and send them  
20 to Mary Beth so we have them here now.

21 THE COURT: Okay.

22 MR. BERRY: I have all three of them. When I was  
23 printing out mine, I got theirs printed and five of the seven  
24 of mine before our server crashed. So I do have the  
25 government's --

1 MR. NORRIS: I think we have them.

2 MS. PRINZ: It's just that, Your Honor, one of my  
3 copies of the declaration is marked up with some asterisks  
4 and since obviously the file copy that the defense has didn't  
5 have those marks on it, I wasn't sure if that it would be  
6 appropriate to submit.

7 THE COURT: It would not be.

8 MS. PRINZ: Okay.

9 MR. BERRY: Your Honor, now that we have wasted all  
10 that time --

11 THE COURT: Okay.

12 MR. BERRY. I have all of mine; the government has  
13 theirs.

14 THE COURT: Why doesn't the government approach and  
15 have Mary Beth mark those, or maybe they are.

16 Government Exhibit 1 is a declaration of Cathy  
17 McGoff?

18 MS. PRINZ: Yes, Your Honor.

19 THE COURT: And it looks likes there is a 1-A, so is  
20 this part of the declaration?

21 MS. PRINZ: Yes, this was attached with the  
22 declaration. That's how we received it from Cathy McGoff.

23 THE COURT: The declaration, as I understand it,  
24 talks about the Google terms of service, correct, because  
25 what I would be inclined to do is attach these documents as

1 one document and have it as number one.

2 MS. PRINZ: No objection to that, Your Honor.

3 THE COURT: Any objection if the court receives  
4 Exhibit No. 1?

5 MR. BERRY: No, Your Honor.

6 THE COURT: Exhibit 2 is a declaration of John  
7 Shehan?

8 MS. PRINZ: Yes, Your Honor.

9 THE COURT: Any objection if the court receives  
10 Exhibit No. 2?

11 MR. BERRY: No, Your Honor.

12 THE COURT: Two will be received. Is that the sum  
13 and substance of the government's evidence?

14 MS. PRINZ: Yes, Your Honor.

15 THE COURT: Mr. Berry, do you have any evidence?

16 MR. BERRY: I do, Your Honor. I have seven  
17 exhibits. May I approach?

18 THE COURT: You may. Mary Beth says you will have  
19 to start with 101.

20 MR. BERRY: Yes, Your Honor.

21 THE COURT: I have Defendant's Exhibit 101, which is  
22 the CyberTipline report, correct?

23 MR. BERRY: Yes, Your Honor.

24 THE COURT: And I'm assuming you're offering all of  
25 these, Mr. Berry?

1 MR. BERRY: That's correct, Your Honor.

2 THE COURT: Does the government have any objection  
3 to 101?

4 MS. PRINZ: No, Your Honor.

5 THE COURT: 102 looks like the subpoena to Cox  
6 Communications from the Douglas County Attorney. That's 102.

7 Does the government have any objection to  
8 Exhibit 102?

9 MS. PRINZ: No, Your Honor.

10 THE COURT: Exhibit 103 is the e-mail with Mr. --  
11 Deputy Dishaw in regards to a response to his inquiry to Cox  
12 Communications. Any objection to Exhibit 103?

13 Ms. PRINZ: No objection, Your Honor.

14 THE COURT: 104 is the application for a search  
15 warrant, as well as the search warrant. Any objections to  
16 104?

17 MS. PRINZ: No objection, Your Honor.

18 THE COURT: Actually I take that back. 104 is the  
19 application and the affidavit for the search warrant.

20 I think Exhibit 105 is the actual search warrant,  
21 correct?

22 MR. BERRY: Yes, Your Honor.

23 THE COURT: Any objection to Exhibits 104, 105?

24 MS. PRINZ: No objection, Your Honor.

25 THE COURT: 106 is an affidavit and application for

1 a search warrant --

2 MS. PRINZ: Your Honor, I think that's the Google  
3 search warrant.

4 THE COURT: Yes, for Google, and 107 is the actual  
5 search warrant for the Google records. Do you have any  
6 objections to Exhibits 106, 107?

7 MS. PRINZ: No objection to either.

8 THE COURT: 101 through 107 will be received and 1  
9 and 2 of the government's exhibit will be received.

10 Any further evidence, Mr. Berry?

11 MR. BERRY: No, Your Honor.

12 THE COURT: So then, as I understand it, we're doing  
13 argument at this point?

14 MR. BERRY: Yes, Your Honor.

15 THE COURT: Ms. Prinz?

16 MS. PRINZ: Thank you, Your Honor. Your Honor, I  
17 just want to indicate, first of all, on the first page, I  
18 apologize, there was an error. The first citation is --

19 THE COURT: First page of what?

20 MS. PRINZ: I'm sorry. The first page of the  
21 government's brief. I apologize.

22 THE COURT: That's okay. So the first page of your  
23 brief?

24 MS. PRINZ: Yes, Your Honor. There is a reference  
25 to Ornelas versus United States, that was supposed to be part



1 of a larger string citation in combination supporting that  
2 supposition and those cases are listed and discussed in the  
3 argument.

4 It was also supposed to include a reference to  
5 Illinois v. Gates.

6 Ornelas alone doesn't support the statement that is  
7 in the citation and that just got cut off. My apologies.

8 THE COURT: So we need to add Illinois v. Gates to  
9 that portion?

10 MS. PRINZ: That is -- I can give the main cite, if  
11 that would be helpful for Your Honor.

12 THE COURT: Yes, you can give it. I think I have  
13 it.

14 MS. PRINZ: 462 U.S. 213, 1983.

15 THE COURT: Thank you. Go ahead.

16 MS. PRINZ: Thank you. Your Honor, put simply we  
17 don't feel there is a legal basis for suppression here. I'm  
18 going to discuss each of the arguments in turn.

19 First of all, the defendant had no reasonable  
20 expectation of privacy in his subscriber information with his  
21 address.

22 For that reason the administrative subpoena that --  
23 which received that subscriber information from Cox  
24 Communications was perfectly valid and was also validly  
25 included in the search warrant then.

1           This was subscriber information that had already  
2       been shared with a third party internet service provider, in  
3       this case Cox Communications, and it has been established by  
4       the case law within the circuit and in other circuits that  
5       there is no reasonable expectation in an IP address.

6           The defendant's motion indicates that this has  
7       perhaps been changed or the analysis itself has been changed  
8       because of the decision of the Supreme Court in Carpenter.

9           Our response to that is that Carpenter is a very  
10      narrow holding, one applied specifically to cell-site  
11      location information.

12          Cell-site location information is very different  
13      from a street address.

14          The street address does not reveal the kind of  
15      information or the level of detail that the court is  
16      concerned with in Carpenter.

17          It doesn't reveal personal activities, movements  
18      over time, or any of the kinds of information that was before  
19      the court with regard to the defendant in Carpenter after  
20      receiving 127 days of cell-site location information.

21          An IP address is simply a street address, something  
22      that is easily perceivable, it's a discrete singular piece of  
23      information and for that reason nothing in the Carpenter  
24      analysis has changed case law.

25          In order to set up a Cox Communications subscriber

1 account the defendant would have had to give his subscriber  
2 information, including his address, to that thirty party.

3 It's similar to bank records or to subscriber  
4 information with a telephone company, even numbers dialed to  
5 the phone company, that is information in which he had no  
6 reasonable expectation of privacy.

7 The second basis for suppression argued by the  
8 defense is that the CyberTip, that NCMEC had violated the  
9 defendant's Fourth Amendment rights via the CyberTip.

10 In this instance NCMEC did not exceed the limits of  
11 the private search that was previously done by Google and  
12 thus there was no violation of the defendant's Fourth  
13 Amendment rights in general, nor with regard to Ackerman.

14 In this case the declaration makes clear, as well as  
15 the CyberTip, that Google had already viewed the image. That  
16 was clearly indicated.

17 Furthermore, Google had in this particular instance  
18 undertaken two different forms of review.

19 One is that this image that was flagged had ended up  
20 in the hash file repository and because of the unique nature  
21 of the -- the fact that hash tag is like a thumb print, this  
22 picture had been identified as being child pornography by its  
23 hash value.

24 But moreover in this case, once the CyberTip was  
25 being created, concurrently with that, as stated in the

1 declaration, Google also subjected it to manual human review  
2 again.

3 The reason I say again is because Google puts all  
4 images that are added to the hash repository to a prior human  
5 review as well.

6 Before NCMEC ever saw the image it had been subject  
7 to both those kinds of review and also apart from the  
8 CyberTip tip a Google employee was actually physically  
9 reviewing that image.

10 Under these reasons Ackerman is also further  
11 distinguishable because in Ackerman the situation was that an  
12 e-mail was uploaded and NCMEC used e-mails, along with four  
13 attachments.

14 It turns out in that case only one of the  
15 attachments had been flagged as child pornography and so  
16 NCMEC was actually going beyond the scope of the private  
17 search by the ISP, in that case it was AOL I believe, NCMEC  
18 was actually going beyond that because they in fact used the  
19 e-mail and the other attachments.

20 Here our case again is distinguishable because this  
21 was a single file upload.

22 In this case the defendant uploaded the image to  
23 Google photos.

24 There was no associated e-mail and what triggered  
25 the CyberTip was simply this one single file which was

1 reviewed by Google and which also had been a part of the hash  
2 repository.

3 That is exactly what NCMEC used subsequently to that  
4 CyberTip being issued.

5 Therefore, those searches were completely  
6 coextensive and therefore all that happened here was a  
7 repetition of the private search that had already been done  
8 by Google.

9 They point out that this circuit has not yet held  
10 whether NCMEC is a government actor, and we are not conceding  
11 that point here, but under our factual scenario it's not  
12 necessary for this court to decide that, because since the  
13 search was coextensive, first the private search, and then  
14 the search by NCMEC, regardless of whether NCMEC is a  
15 government actor, there would have been no Fourth Amendment  
16 violation in that case.

17 Lastly, there was sufficient basis for probable  
18 cause for the search warrant for the residence.

19 The standard of probable cause merely requires a  
20 fair probability that contraband or evidence will be found in  
21 the place to be served.

22 Here there was already an indication, both by  
23 physical and by hash review, that an image was uploaded to  
24 the Google account.

25 This had to have been done by some means, by a

1 computer, by something belonging to the person who had  
2 uploaded that.

3 An image can't be put onto Google Photo simply by  
4 the air. The internet has to be accessed by use of some  
5 device.

6 An image of child pornography had been identified  
7 and tied to this defendant via his address or by Google  
8 storage account.

9 And then the task force officer detailed in his  
10 experience that collectors use such services to store images,  
11 multiple images.

12 Furthermore, there could have been further evidence,  
13 and was, of these particular images on those computers that  
14 were to be searched.

15 So the image itself that was uploaded was already  
16 evidence of a crime, was a piece of contraband, and evidence  
17 of specifically that contraband was likely to be on the  
18 defendant's computer.

19 There was a fair probability that that image itself  
20 could be found there, aside from the possibility of other  
21 contraband.

22 So for those reasons there was a sufficient basis of  
23 probable cause in the search warrant.

24 One thing I would like to indicate to Your Honor is  
25 that since the filing of these briefs there has been a

1 decision, a new decision, which we did not cite in our brief  
2 because it was new, United States versus Redick and because  
3 it was not cited in our brief I did bring copies for the  
4 court today and for the defense from West Law, has the West  
5 Law citation on them, it's not yet reported.

6 I would like to provide the court and the defense a  
7 copy of that, if I may approach?

8 THE COURT: You may.

9 MS. PRINZ: Your Honor, the reason I bring up Redick  
10 is that in Redick the court held, this was a Fifth Circuit  
11 case, in which the court held there was no Fourth Amendment  
12 violation in a police review of a file flagged by an ISP.

13 So on the one hand there, police review is a more  
14 clear cut scenario of a government actor reviewing a flagged  
15 search.

16 In that case, however, the court so found no Fourth  
17 Amendment violation and that case dealt with an automatic  
18 review by hash values. There was no manual review in that  
19 case.

20 Now only the files that were flagged were reviewed  
21 by the police.

22 So the search was still coextensive, so to speak.  
23 There wasn't an additional file that was viewed by the  
24 police.

25 However, in that case again there was no concurrent

1 manual review.

2 It was just a file that had been identified by hash  
3 value and the court found that that counted as a private  
4 search.

5 Therefore, when the police reviewed those same files  
6 there was no Fourth Amendment violation, and that's the  
7 reason for which Redick is pertinent here, because there was  
8 here -- actually one could argue a lesser standard of review  
9 there, although hash values obviously do indicate exactly  
10 what is in a picture and are precise, they are unique like  
11 thumbprints, but in our case, in an abundance of caution,  
12 Google actually submitted it for further private review  
13 before the tip was submitted.

14 Lastly I just want to address the good faith  
15 argument.

16 Even if there was not sufficient probable cause,  
17 which we do not concede, we believe absolutely there was  
18 sufficient probable cause. The good faith exception would  
19 apply here.

20 This is not a bare bones affidavit in the manner in  
21 which the defense suggests, because there's no grounds to  
22 excise the Cox subscriber information in this warrant.

23 The police department was acting in good faith and  
24 in accordance with the law of the circuit when they issued  
25 that administrative subpoena.



1           Aside from the potential excision of that  
2           information, no other grounds under Leon for instance were  
3           raised with regard to why the good faith exception should not  
4           apply.

5           So for those reasons we feel the good faith  
6           exception would absolutely save the warrant, were Your Honor  
7           to find there was not sufficient probable cause.

8           THE COURT: Thank you. Mr. Berry?

9           MR. BERRY: Thank you, Your Honor. First we would  
10          argue that the findings in United States v. Carpenter  
11          pertaining to the administrative subpoena for subscriber  
12          information applied here.

13          We have Cox Communications, a third party provider,  
14          that essentially has the location of Mr. Gregory's IP  
15          address, where he is.

16          Now in Carpenter, it goes back to United States  
17          versus Jones and talks about tracking locations, but then  
18          Carpenter takes it to these cell-site location, street  
19          addresses where people are moving.

20          We know that we have less of an expectation of  
21          privacy out on the public road and streets.

22          That's why we have the automobile exception to the  
23          search warrant.

24          So we also know that historically we have a  
25          heightened expectation of privacy in our own residence.

1           And I would suggest that the next step from  
2 Carpenter is that these administrative subpoenas cannot be  
3 used to get the subscriber information, but in fact require a  
4 warrant to protect that heightened expectation of privacy we  
5 expect to have in our own residences.

6           And the reason for this is because the subscriber  
7 information goes directly to our residences and where we  
8 live.

9           So I would argue a permanent residence location is  
10 much more private than someone's individual movements on  
11 public properties, roads, highways, sidewalks.

12           My next argument goes to the CyberTip. According to  
13 the documents, this was an automated tip from Google.

14           Now I understand in the affidavit presented by the  
15 government you will see that it was reviewed at some point by  
16 a person to verify the image.

17           But my concern is when we start talking about  
18 automated tips, what that means is it happened automatically  
19 without someone looking at it.

20           An automated tip from Google security to the Center  
21 For Missing & Exploited Children I think is problematic.

22           I understand the third party doctrine says, well, if  
23 you have a third party involved, and it's a private company  
24 and they are not the government, then there is not an  
25 expectation of privacy.

1 But technology has evolved. People don't have their  
2 own private servers, non-email addresses, and the way people  
3 communicate these days, I know lawyers marketing on social  
4 media these days and they get private messages from Facebook  
5 and other places from clients and prospective clients.

6 We may say there is no expectation of privacy in the  
7 service agreements, there is definitely an expectation of  
8 privacy that has evolved with the evolution of technology.

9 And while our framers may have looked at the Fourth  
10 Amendment as privacy in our papers and effects, our most  
11 private effects are not on paper anymore.

12 They are in our heads and in our electronic devices,  
13 which subsequently are in cloud, electronic files.

14 As far as that information going to the Center For  
15 Missing & Exploited Children, we know from Ackerman as much  
16 as 75 percent of NCMEC's budget comes from the government and  
17 that law enforcement exercises day-to-day control over the  
18 Center For Missing & Exploited Children.

19 I realize that government contests whether the  
20 Center For Missing & Exploited Children is in fact a  
21 government entity, but our position is that Ackerman, that we  
22 believe under the holding in Ackerman that it is.

23 That being said, our argument is that this CyberTip  
24 coming from an automated source to a law enforcement center  
25 as the basis for the warrant -- as a basis to get an

1 administrative subpoena, a warrant should have been sought in  
2 this matter, and I don't believe a warrant would have been  
3 issued based on that information.

4 Finally the image was put -- in arguing the  
5 sufficiency of the probable cause, we know that an image was  
6 put on a Google account.

7 As the government points out, that just doesn't  
8 happen out of thin air. Someone has to do something.

9 Our argument is that this is a bare bones argument  
10 -- or bare bones affidavit in that the Google Images, as  
11 explained in some of the attachments, are cloud-based.

12 What that means is they are stored on the cloud, not  
13 necessarily on a specific electronic device.

14 And so I would argue also that the investigator in  
15 this case is obviously sophisticated, has been involved in  
16 child pornography investigations before, and I don't believe  
17 had a good faith basis to believe that the affidavit was  
18 sufficient because the fact that Google Images is a  
19 cloud-based service and therefore is something that could  
20 possibly be not on a hard drive, usually not.

21 The images themselves are saved in the cloud, not on  
22 hard drives, and that's my argument, Your Honor.

23 THE COURT: Does the government care to respond at  
24 all?

25 MS. PRINZ: Just briefly, Your Honor. Thank you.

1 Your Honor, as the defense actually indicated, to apply the  
2 Carpenter holding to the factual scenario before the court  
3 today would require another step, not only one which the  
4 court did not take, but one which the court specifically  
5 refrained from taking in Carpenter.

6 In Carpenter the language of the decision talks  
7 about this being a particularly narrow decision being  
8 concerned with this kind of CSLI information.

9 The Carpenter language does not address IP addresses  
10 or other parts of the third party doctrine.

11 It does not really change the analysis on the  
12 expectation of privacy with regard to any of those things.

13 Also with regard to reference to the automated tip  
14 system, the case law has made clear thus far that even when  
15 it's an automated tip under the Google review system an  
16 automated hash value has been previously manually reviewed  
17 before being added to the hash value repository, and under  
18 Redick, even without that step would be enough because of the  
19 nature of hash value review.

20 The last argument that we would put before the court  
21 is also that with reference to part of the exhibit, the  
22 Google terms of service, part of Exhibit 1, Government  
23 Exhibit 1, declaration of Cathy McGoff, the Google user  
24 agreement for use of Google clear, it gives Google the right  
25 to use, access and share any information you're uploading to

1 the Google server.

2 So that defeats the reasonable expectation of  
3 privacy in and poisons that whole third party doctrine  
4 analysis.

5 The image which triggered this automated tip had  
6 already been provided to Google, even before Google reviewed  
7 it, through the terms of service, even at the moment of the  
8 upload, it's being shared with Google with the informed  
9 knowledge of the user that that image could be used, shared,  
10 accessed.

11 Thank you, Your Honor.

12 THE COURT: Okay. I want to make sure that I'm on  
13 the same page with everybody else.

14 As I understand the document, that Google has a hash  
15 tag value identifying it basically as child pornography.

16 But in addition, in this particular case, and it's  
17 provided for in Exhibit No. 2 I think, that they actually  
18 also physically reviewed this picture either -- before  
19 sending it to the Center for Exploited Children. Is that  
20 correct?

21 MS. PRINZ: Yes, Your Honor. I would refer in  
22 Government Exhibit 1 to paragraph 10 of the declaration of  
23 Cathy McGoff, that's where it indicates Google references --  
24 reflects the one image reported in the CyberTip received a  
25 manual human review by Google personnel concurrent with the

1 report being sent to NCMEC .

2 THE COURT: I just want to make sure, concurrent  
3 with the report being sent versus relying on, we have the  
4 hash tag value that somebody had reviewed previously who made  
5 that determination, okay.

6 MR. BERRY: Your Honor, for my -- concurrent with,  
7 to me means at the same time.

8 THE COURT: Right. At the same time that they sent  
9 the report.

10 At least that's what it seems to imply within this  
11 affidavit.

12 Up above I think it's in, earlier in the affidavit I  
13 think they talk about the hash tag values and what that  
14 means.

15 But then in ten that this particular CyberTip  
16 received a manual human review by Google personnel concurrent  
17 with the report being sent to NCMEC.

18 So I guess it seems to be, as the government has  
19 said, that there was a human review at the same time or  
20 concurrent with them sending it. So they reviewed it and  
21 then sent it.

22 MR. BERRY: And my argument is that it would have  
23 said prior to.

24 Concurrent with seems to suggest an automated system  
25 sent it and around that time someone manually reviewed it.

1 MS. PRINZ: Well, Your Honor, I think the reason  
2 they don't say prior to is that they make clear that before  
3 it was ever added to the hash repository, they make that  
4 clear on the first page of the their declaration, that it  
5 would have manually reviewed, so it has been reviewed prior  
6 to another time.

7 So I think the attestation they are making in the  
8 declaration is that in generating a report, basically the  
9 image is coming to Google's notice again.

10 So all this is happening now at a new point in time  
11 because the hash value notice has occurred and has been  
12 flagged.

13 And so therefore now these additional steps are  
14 being taken, but to distinguish it from the prior, prior  
15 review, so to speak.

16 THE COURT: Right. Anything else?

17 MR. BERRY: No, Your Honor.

18 THE COURT: All right. I will order a transcript of  
19 today's hearing. The matter is taken under advisement.

20 As soon as that is filed I will get a decision out  
21 as soon as I can, but obviously within thirty days from the  
22 date of the transcript.

23 All right. Anything further from the government  
24 today?

25 MS. PRINZ: No, Your Honor.



1 THE COURT: Anything further from the defendant  
2 today?

3 MR. BERRY: No, Your Honor.

4 THE COURT: Thank you, everybody.

5 (10:05 a.m. - End of Proceedings)

6 I-N-D-E-X

7	EXHIBITS:	OFFERED	RULING
8	1 Declaration of McGoff.....	6	8
	2 Declaration of Shehan.....	6	8
9	101 NCMEC CyberTip .....	6	8
	102 Subpoena to Cox.....	6	8
10	103 Cox's Response.....	6	8
	104 Application and Affidavit		
11	for Search Warrant.....	6	8
	105 Search Warrant.....	6	8
12	106 Application and Affidavit		
	for Search Warrant.....	6	8
13	107 Search Warrant.....	6	8

14

15 C-E-R-T-I-F-I-C-A-T-E

16 I, Allan G. Kuhlman, do hereby certify that the  
17 foregoing transcript is a true and accurate transcription, to  
18 the best of my ability, from the digital recording of the  
19 proceedings held in this matter.

20 Dated September 30, 2018.

21

22 s/Allan G. Kuhlman  
23 Allan G. Kuhlman

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